

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CONSTANTINO CANELOS RODRIGUEZ,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE AND DRUG
ENFORCEMENT AGENCY

Defendants.

Case No. 14CV958-W (BLM)

**ORDER FOLLOWING EARLY
NEUTRAL EVALUATION
CONFERENCE**

On July 2, 2014, the Court held a telephonic Early Neutral Evaluation Conference (ENE) in the above-entitled action. Settlement of the case could not be reached during the ENE and at the conclusion of the ENE, the Court discussed with counsel the issues presented in this litigation and the possible procedures for resolving the relevant issues. Counsel reached agreement regarding the appropriate procedure and, based upon the parties' agreement and finding good cause, the Court enters the following orders:

(1) On or before **July 11, 2014**, the parties will file a joint motion to amend the complaint to add the Federal Bureau of Investigation as a defendant;

(2) At **9:00 a.m.** on Monday, **August 11, 2014**, the Court will conduct a telephonic case management conference to discuss the status of the case against the FBI. The Court will initiate the conference call;

1 (3) On or before **August 15, 2014**, Defendant will provide to Plaintiff an accounting
2 regarding the \$1200 paid by Plaintiff to the Drug Enforcement Administration to cover the
3 cost of the FOIA document search requested by Plaintiff;

4 (4) On or before **October 3, 2014**, Defendant will provide to Plaintiff a "Vaughn"
5 declaration and index "identifying the documents withheld [by the DEA], the FOIA
6 exemptions claimed, and a particularized explanation of why each document falls within the
7 claimed exemption." Lion Raisins v. U.S. Dept. of Agriculture, 354 F.3d 1072, 1082 (9th Cir.
8 2004) (citing Wiener v. F.B.I., 943 F.2d 972, 977 (9th Cir. 1991)).

9 (5) After the production of the DEA "Vaughn" declaration and index, the attorneys
10 for both parties will meet and confer in an effort to resolve any remaining disputes between
11 the parties;

12 (6) At **9:00 a.m.** on **November 3, 2014**, the Court will conduct a telephonic case
13 management conference to discuss the "Vaughn" declaration and index and the status of
14 the litigation as to the DEA's FOIA response. The Court will initiate the conference call. If
15 unresolved issues remain, the parties should anticipate that the Court will require motions
16 for summary judgment to be filed within 30 days; and

17 (7) The parties agree that discovery, including initial disclosures, is not appropriate
18 in this FOIA dispute so the Court declines to set any such dates.

19 **IT IS SO ORDERED.**

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21 DATED: July 7, 2014

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23 BARBARA L. MAJOR
24 United States Magistrate Judge
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